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**Subject:** Insider for July 14, 2017

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### **YOU DON'T SAY...**

"What happens in Raleigh shouldn't stay in Raleigh."

*Bob Hall, executive director of Democracy North Carolina, on his organization's efforts to put up billboards in McDowell County.*

THE MCDOWELL NEWS, 7/13/17

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## **News Summary**

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### **Legal Notices**

The Jamestown News used its front page this week to fight a bill that could move legal notices out of newspapers and onto government websites. "Trudy Wade's bill will close Jamestown News," the headline says, calling on readers to lobby the governor. "Governor's veto is our last hope." The newspaper, which has covered the small Guilford County town since 1978, worries the potential loss of legal ad revenue could force it to lay off five staffers and cease publication. "I'd like to think the community would be devastated," publisher Charles Womack said, noting that larger papers don't have the resources to cover Jamestown, which has a population of about 3,800.

The final version of the bill, tacked onto a worker's compensation bill and passed in the final hours of this year's legislative session, would let local governments place legal notices on their own

websites. Supporters argue that the online system would save taxpayer dollars spent on newspaper ads that they say few people actually read, while opponents said the change would imperil "the public's right to know" by burying information on government websites. The city of Greensboro spent about \$69,000 on legal ads in the past fiscal year to advertise public hearings, government contract bidding, and other matters. That's about 0.014 percent of the city's annual budget of nearly \$500 million.

Guilford County did not respond to an inquiry about how much it spends on legal ads. Womack estimates that about half of legal advertising in the county comes from governments, while the other half is from attorneys and individuals who are required to run ads about foreclosures, estate sales, and other legal proceedings. Most of the legal ads in the Jamestown News are in the latter category, he said. Under the bill, a county government could sell legal ads on its website, fulfilling the public notice requirement. Half of the money raised would go to fund teacher salary supplements, while the county government could use the rest for other purposes. Womack said it's unfair for government to take business from newspapers, which he argues contradicts the small-government views expressed by Republicans like Sen. Trudy Wade.

"In each county, there's competition amongst newspapers to price these things in a conservative way," Womack said, adding that he worries that county government -- without a print newspaper to produce -- could undercut newspapers' rates, drive them out of business and create a monopoly for counties.

Rep. David Lewis, R-Harnett, worked on the compromise version of the bill with Wade. He said he's skeptical of Womack's claims that the change would drive newspapers out of business because most have other revenue sources. "I think it's a little bit of a stretch to say that the governor's pen on a paper spells doom for this Jamestown newspaper," Lewis said. Lewis said House legislators successfully softened Wade's original proposal to make the change statewide. "In a more rural county like Harnett, I would be concerned that not all of the citizens have access to internet" to read online notices, Lewis said. "I have to believe that more urban counties may in fact not have that drawback. Frankly, this will be an experiment to see how well or how badly this works."

The bill would also change the requirements governing which newspapers can publish legal notices, prompting concerns from the N.C. Press Association. The new requirements appear to allow local governments to use a statewide newspaper, such as the North State Journal, instead of local newspapers, by eliminating a requirement that the newspaper have its postal permit in the county where the local government is located. The postal requirement ensures that newspapers are based in the counties where they accept legal ads.

The North State Journal is published by Neal Robbins, a former staffer in Gov. Pat McCrory's administration. Rep. Justin Burr, R-Stanly, is an investor in the paper's parent company, according to Burr's ethics filings. Asked if the change will allow the North State Journal to run more legal ads, Robbins said in an email that "we will take any advertising that comes our way." Robbins did not respond to a follow-up email asking if he, Burr or any other investors in his paper provided input to lawmakers on the change.

Another provision in the bill addresses how newspaper delivery workers are classified as independent contractors for worker's compensation issues and other purposes. The final version weakened an initial Senate proposal to require that newspapers include carriers in workers' compensation insurance, unemployment and payroll tax payments. But the bill still ends what's known as a "rebuttable presumption" in legal proceedings that newspaper carriers are typically considered independent contractors. That means it could become easier for a newspaper carrier to claim they should be considered an employee.

Rep. Allen McNeill, R-Randolph and sponsor of the original worker's compensation bill, said current law gives newspapers "a special exemption that nobody else in the state has." Michael Zinser, an attorney who represents newspaper companies in independent contractor matters, said the change would open the door to lawsuits by newspaper carriers challenging their contractor status. "If challenged, most publishing companies will be able to prevail on the issue," he said in a letter to N.C. newspapers. "The bad news is they will have to go through the expensive process of litigation."

Zinser urged publishers to make sure their independent contractor agreements "have been drafted to put their best foot forward," with language that makes clear that carriers provide their own

supplies and transportation, and have the "right of substitution" to send another contractor to fill in and do their work. Cooper hasn't said if he plans to veto the bill, and he has until the end of the month to take action.(Colin Campbell, THE INSIDER, 7/14/17).

## **Voter ID**

In July 2013, North Carolina lawmakers passed the Voter Information Verification Act -- known more commonly as voter ID. It's a controversial law that was ultimately struck down in federal court for being unconstitutional. Nearly four years later, state legislators are now working on another voter ID bill that would be taken to voters as a constitutional amendment, according to sources.

Republicans widely support voter ID, and Democrats - making up a small minority - would likely not be needed to approve a measure. "We are a hundred percent committed to the idea of voter ID and we are still working out the logistics of what we believe to be the most sure-fired way to get voter ID implemented that will withstand the inevitable challenges that will come from the left," said David Lewis, R-Harnett, the Rules Chairman of the North Carolina House.

The 2013 law did more than mandate voters to show a photo ID at the ballot box. It also reduced early voting from 17 to 10 days; eliminated same-day registration and out-of-precinct balloting; and did away with pre-registration for teenagers. The controversial changes set off protests and a string of lawsuits. In the end, the U.S. Supreme Court chose not to hear an appeal of the invalidated law, leaving in place a lower appellate court ruling. That decision determined legislators had acted with discriminatory intent against black voters with "almost surgical precision."

While this particular bill has now been fully adjudicated, the issue of voter ID, and other possible voting changes, remains. One consideration is enacting a voter ID requirement through a constitutional amendment, decided on the ballot, by the voters themselves. "We believe the public support for voter ID is sufficient, that clarifying it in the North Carolina Constitution as a requirement is something the people would support," Lewis said. "So I think that to mute future court challenges, you could certainly see that."

Some experts believe a voter ID requirement passed by the people could have a firmer footing in court. "I think it would make it somewhat harder to challenge in court, though not impossible," said Dan Tokaji, a law professor at Ohio State University, who focuses on election law. After the previous court ruling that cited "almost surgical precision" and discriminatory intent, a constitutional ballot initiative would give legislators some cover, according to Tokaji. "The primary objective to try to avoid a finding of discriminatory intent by saying 'Hey we put the thing before voters and they approved it.' Which would put on anyone challenging the law the formidable burden of showing the people of North Carolina acted with discriminatory intent, at least if they want to act on a constitutional claim," explained Tokaji, who said other types of legal challenges would be possible.(Jeff Tiberii, WUNC RADIO, 7/13/17).

## **Farm Bill**

Unions in sparsely organized North Carolina are unhappy with Democratic Gov. Roy Cooper for signing a wide-ranging farm bill because it contained a last-minute provision that seeks to ensure growers don't have to collect dues for organized workers. Cooper announced Thursday the legislature's annual agriculture measure was among six bills on his desk that he's signed into law. The legislation, approved on the second-to-last full day of this year's General Assembly chief work session, includes a provision designed to prevent farms from being forced into future agreements to collect workers' dues and transfer them to unions. Farmers also could not be required to enter into union contracts as part of settling worker lawsuits.

The Farm Labor Organizing Committee, the only agricultural worker union in the state, said the provision was aimed to block it from helping laborers improve their own working conditions through union agreements and litigation. A group leader blasted Cooper for "choosing to be on the wrong side of history" by expanding an anti-labor law first passed in the state in 1947 and vowed to challenge the new law in court.

"It is a shame that this Democrat and others refuse to stand on the side of the most marginalized working poor and the immigrant workers that keep this state's economy afloat," said FLOC President Baldemar Velasquez in a release. He said worker and immigrant rights groups had been



hopeful for a veto after meetings with Cooper last month, before the union provision got debated. "Working people in North Carolina deserve better from our legislators and our governor," state AFL-CIO Secretary-Treasurer MaryBe McMillan said.

Cooper offered no statement on the measure in Thursday's announcement. Spokesman Ford Porter wrote later that "while the governor had concerns with this legislation, it supports North Carolina's farming and agriculture industry and passed with broad bipartisan support."

North Carolina's workforce is consistently ranked near the bottom among states in the percentage of workers holding union membership. Pro-business Democrats and Republicans who have led state government over the past several decades have seen the state's aversion to labor organizing as a plus to attract companies to expand in North Carolina.

Other provisions of the farm bill that Cooper signed late Wednesday address abandoned livestock sales, clarify the definition of agritourism and allow wine producers to hold free tastings and sell bottles at farmers' markets.

The subject of at least one recent farm worker lawsuit was Sen. Brent Jackson, R-Sampson, a farmer and a sponsor of the farm legislation. A settlement from the lawsuit, which involved allegations that workers at Jackson's farm weren't paid wages and other money due them, was finalized this week by a federal judge, according to court documents. Jackson and his farm denied wrongdoing. The union amendment was proposed on the House floor by state Rep. Jimmy Dixon, R-Duplin, about six hours before it received final legislative approval from both chambers June 28. (Gary D. Robertson, THE ASSOCIATED PRESS, 7/13/17).

### **Libertarian Boards**

Two county election boards might have a Libertarian majority because the two major political parties missed a June deadline to submit their nominations for county boards.

While the N.C. Supreme Court is still deciding on Gov. Roy Cooper's request to block the legislature's overhaul of state and county election boards, both the new and old laws set a deadline of June 12 for state party leaders to submit their county picks to the state elections board. The N.C. Libertarian Party submitted nominees for election boards in Wake County and Cleveland County in May. The State Board of Elections and Ethics Enforcement says it received nominations from the N.C. Democratic Party and N.C. Republican Party after the deadline -- June 19 for the GOP and July 10 for the Democrats.

The legal deadline for the state board to appoint county board members has already passed, but because Cooper hasn't appointed a state board while his lawsuit is active, there's no state board to make county appointments. If the N.C. Supreme Court rejects Cooper's request to block the new law, the Libertarians wouldn't get any seats because the new law requires county board members to represent the two parties with the highest number of registered voters.

But there's no such provision in the old law that Cooper wants to reinstate. That law says the state board can only appoint from the lists submitted before the deadline, as long as no party holds more than two of three seats on the board. So that could mean the Libertarian nominees are automatically selected for county boards in Wake and Cleveland, which would be the first time a Libertarian has served on an election board in North Carolina.

Josh Lawson, an attorney for the state elections agency, said the agency hasn't made any determination about the Libertarian nominations' status. "We are not going to take a legal position on that at this time," because the new law is currently in effect and any interpretation of the old law would be "hypothetical," he said. If the old law is reinstated, Lawson added, the state elections board would need to review the issue and determine which parties met legal requirements.

The N.C. Democratic Party did not respond to a request for comment, but N.C. Republican Party executive director Dallas Woodhouse said he's not concerned that the deadline might hurt his party. "The state board has always accepted nominations even if they were slightly behind," he said. "We got ours in loads before the Democrats." In previous years when the Democrats or Republicans missed deadlines, no third party had submitted nominations, so the state board was free to choose anyone, provided each party held no more than two of three seats in each county. Woodhouse said he's confident the new law will hold up in court, but if the old law is reinstated, the NCGOP would resubmit its nominations because it would have fewer seats on county boards. But he said he's concerned that Cooper's lawsuit has meant that some county boards don't have

enough members to take votes. According to the state elections agency, 12 of 100 counties have had election board members resign, preventing them from having the necessary three-member quorum under the new law. That number has increased from six counties earlier this week. "It is ludicrous that going into these (2017 local) elections, Cooper has allowed this to happen," Woodhouse said.

The unusual situation with the Libertarian nominations was first pointed out in a Facebook post by Gerry Cohen, a former legislative attorney who is among the Democrats on Goodwin's list of potential Wake County board members.(Colin Campbell, THE INSIDER, 7/14/17).

### **Nominated**

President Donald Trump on Thursday nominated Raleigh attorney Thomas Farr, who has defended various voting maps in North Carolina drawn by the Republican-led General Assembly, to a vacancy on the federal bench. If confirmed by the U.S. Senate, Farr would fill a seat in the federal Eastern District of North Carolina that has been open for almost 12 years, when Judge Malcolm Howard took senior status, a form of semi-retirement accorded federal judges.

An attorney with Ogletree, Deakins, Nash, Smoak & Stewart who specializes in employment matters and constitutional law, Farr has been the go-to guy for Republican legislative leaders in recent years to fend off challenges to their actions. Several times, he has argued that voting maps drawn in 2011 were legal. Federal courts have found that both congressional and legislative maps were drawn illegally, packing too many black voters into certain districts to make other districts more amenable to GOP candidates.

Farr also defended changes to state elections laws, including a photo identification requirement for voters, which federal courts also overturned.

He previously was an attorney with the National Right to Work Legal Defense Foundation and counsel to the U.S. Senate and Labor Human Resources Committee. He earned a bachelor's degree from Hillsdale College, a law degree from Emory University and an advanced degree in labor law from Georgetown University.(Matthew Burns, WRAL NEWS, 7/13/17).

### **Redistricting Hearing**

A federal court has called a hearing for this month as its judges determine when new North Carolina legislative districts should be redrawn by the General Assembly and whether a special election under altered boundaries is warranted. U.S. District Judge Catherine Eagles' order Thursday told lawyers for the state, Republican legislators and voters who sued to come to Greensboro on July 27 to offer arguments and possibly witnesses. The District Court has the case again after the U.S. Supreme Court upheld a three-judge panel's ruling throwing out 28 House and Senate districts as illegal racial gerrymanders. It's now deciding the next steps. The plaintiffs want a special election this fall. GOP lawmakers want to wait until November 2018. Eagles also granted the state NAACP's request to weigh in.(THE ASSOCIATED PRESS, 7/13/17).

### **Hise Billboards**

After first being refused by two billboard companies, Democracy North Carolina was able to place a big sign drawing attention to an investigation of Sen. Ralph Hise, R-Mitchell, in McDowell and two other counties after all. Last month, Democracy North Carolina, a voting rights and campaign finance watchdog group, announced it was trying to post billboards in McDowell and Mitchell calling attention to an ongoing investigation by the State Board of Elections into the campaign finances of state Sen. Ralph Hise. But two billboard companies rejected the signs critical of Hise even though Democracy North Carolina said it had a contract with them. Hise is chair of the Senate Select Committee on Elections. His legislative district covers six counties in western North Carolina, including McDowell.

"We've been trying to let the voters in Sen. Hise's district know about his problems for a month, but the billboard industry seems so worried about making him mad that they are refusing to rent us space for our message," said Bob Hall, executive director of Democracy North Carolina, in a news release last month.

Democracy North Carolina originally had a contract to place a billboard along Interstate 40 in McDowell but this contract was canceled by the company because it was too controversial, according to Hall. Instead, that billboard about Hise and the investigation can now be seen in

McDowell along U.S. 221 North in the Woodlawn community. It is across from the entrance to American Thread Road. Democracy North Carolina has placed similar billboards in Mitchell and Madison counties as well. Hall said to The McDowell News on Monday his group had to go with a different company that was willing to rent the space. "It was disappointing the major companies wouldn't rent us this space," he said.

The billboards will be up at least from July through September. Hall said they could be up longer or maybe with an adjusted message depending on the investigation.

Hise has allegedly withdrawn about \$10,000 in excess "loan repayments" from his campaign and also failed to disclose receiving more than \$9,000 in donations from political action committees (PACs). Democracy North Carolina says his campaign reports have more missing information and are "the worst of any current state legislator." The purpose of the billboard is to alert voters in Hise's district about the ongoing investigation into his finance reports, according to Democracy North Carolina.

The McDowell News reached out to Hise through email for his comments regarding the billboards and the ongoing investigation. "Until the matter is resolved this is my only comment: We recently concluded an internal review of the campaign's finance reports and found some bookkeeping corrections that need to be made," He responded. (Mike Conley, THE MCDOWELL NEWS, 7/13/17).

## **Military Funding**

Legislative leaders talked often this session about the importance of protecting the state's military bases. But their final budget appears to have omitted matching funds for a \$9.2 million federal grant for that purpose.

The state won the Readiness and Environmental Protection Integration, or REPI, grant from the U.S. Department of Defense earlier this year, beating out other states competing for the money. The REPI program is aimed at protecting military bases from encroaching development through buffers. Under the DOD's new "Sentinel Landscapes" initiative, the federal grant money would be used in 33 counties in eastern North Carolina to preserve farmland and wilderness around military bases and the Dare County bombing range, as well as along low-level flight training paths. With a dollar-for-dollar match, the state could secure up to \$20 million in funds over the next five years - \$9.2 million from REPI and the rest from related federal agencies and programs. The grant would be managed by the state Department of Agriculture & Consumer Services.

"These are shovel-ready projects that have already been identified by the military as the projects that they would like to move forward," Agriculture Commissioner Steve Troxler said Thursday. "A lot of the projects were actually for protecting low-level flight paths for Seymour Johnson Air Force Base and also for protecting the Dare bombing range, which is vital for their training." Other projects, Troxler said, would have protected the bases themselves with easements, which are contracts with farmers and landowners who agree not to develop their land in exchange for annual payments.

Troxler asked legislative budget-writers for \$20 million in matching funds over the next two years, but the final budget didn't include them. Senate President Pro Tem Phil Berger and Senate Majority Leader Harry Brown sent a letter to the grant program in February, pledging their "unwavering support" of the state's application.

Asked why the REPI matching funds were not included in the budget, Brown, R-Onslow, replied that he believed that no funds had been requested. Brown also said Troxler could use allocations to various state trust funds to meet the required match, but money in those funds is awarded through competitive grant processes, and some grant applications are already pending. "A funding stream is available in the budget that appears consistent with what was in DOD's fact sheet," Berger spokeswoman Shelly Carver said.

Troxler said that's not the case. "There was an agreed-upon cap on how much money they would spend in this budget, and as the add-ons kept adding on and adding on, this got moved to a lower priority," he said, adding that Hurricane Matthew relief had taken "a big chunk of change." Troxler said he plans to try for REPI money again in the short legislative session in 2018. If the matching funds are made available next year, the state can still draw down the federal funds, provided it can get projects underway quickly. If not, the DOD could offer the grant to another state. "I think it is important that we do these projects with the military and demonstrate that the state of North



Carolina is the most military-friendly state in the nation, if it does come down to another BRAC [base closure] process," he said.(Laura Leslie, WRAL NEWS, 7/13/17).

### Beehive Grants

A provision in the recently adopted state budget includes \$25,000 for a beehive grant fund through the Department of Agriculture and Consumer Services' Agricultural Development and Farmland Preservation Trust Fund program. The grant will help launch new beekeepers across the state. The money will be available to anyone who establishes new beehives and submits an application; the money -- starting at \$200 per new hive -- can be used for buying hives, materials or supplies for building the hives. The grant will be capped at \$2,400 per recipient in any year. A spokesman for the department said it did not ask for the grant to be included in the budget, but noted the grant proposal came from House Bill 756, which would have created a special fund within the department for the grant. The bill, sponsored by Rep. Charles Graham, D-Robeson, and co-sponsored by Reps. Brian Turner, D-Buncombe, and Pricey Harrison, D-Guilford, was sent to Appropriations, but didn't get a hearing.

The North Carolina grant is similar to one started in Virginia in 2012, which was also included in the state budget. In 2015, The Roanoke Times in Roanoke, Va., reported that the grant had received 1,500 applicants and at that time had awarded \$199,000 in grant funds.

The department does not yet have a timeline for when interested beekeepers can apply.(Lauren Horsch, THE INSIDER, 7/14/17).

### Weekend TV

This week's political roundtable shows will cover a variety of topics from renewable energy to provisions in the state budget. Here's what to look for:

- **Bottom Line:** This week's show will explore the next generation of business leaders as hosts talk with two of Triangle Business Journal's "40 under 40" honorees. **Hosts:** Joe Stewart and Sougata Mukherjee **Guests:** Steve Nelson, co-founder of Carbon, Inc., Norman Barclift, head of marketing for Vegetation Management with Bayer Crop Science, and Perry Hunt, member/manager with Hunt Forest Resources. **Airs:** Fridays at 10 p.m., Saturdays at 3 a.m., and Sundays at 8:30 a.m. and 4:30 p.m. on UNC-TV's North Carolina Channel or [online](#).
- **Education Matters:** This week, panelists will discuss the elimination of retiree health benefits for teachers and all state employees hired after 2021, which was included in the recently adopted state budget. **Host:** Keith Poston **Guests:** Richard Rogers, executive director of the N.C. Retired Governmental Employees Association, Ardis Watkins, legislative affairs director for the State Employees Association of North Carolina, Anthony Jackson, superintendent of Vance County Schools, and Justin Parmenter, a seventh-grade teacher in Charlotte-Mecklenburg Schools. **Airs:** Saturdays at 7:30 p.m. on WRAL, Sundays at 6:30 a.m. and Mondays at 3 p.m. on the NC Channel, or anytime at [NCForum.org](#).
- **Front Row:** This week's show examines state lawmakers' efforts to close a loophole that benefits companies that hire foreign workers, the NCGA's Fiscal Research Division projection of future state revenue shortfalls, scrutiny around Donald Trump Jr.'s meeting with a Russian lawyer, and Congress's return from its holiday break. **Host:** Marc Rotterman. **Guests:** Mitch Kokai of the John Locke Foundation, Democratic strategist Scott Falmlen, Donald Bryson with Americans for Prosperity, and Donna King, managing editor of the North State Journal. **Airs:** Fridays at 8:30 p.m. on UNC-TV, 9 p.m. on the NC Channel, Saturdays at 4 p.m. on the NC Channel, and Sunday at 9:30 a.m. on the NC Channel.
- **NC Spin:** Panelists this week will wrap-up the end of the legislative session, discuss court action on legislative redistricting efforts and North Carolina's economic U-turn. **Host:** Tom Campbell. **Guests:** Former state senator and former chair of the state Board of Education Howard Lee, author John Hood, and Chris Fitzsimon, director of NC Policy Watch. **Airs:** Times vary by market. Details can be found online at [NC Spin](#).
- **On the Record:** This week's show explores alternative energy sources, and whether or not they'll gain enough traction to become major energy sources. **Host:** David Crabtree. **Guests:** Ivan Urlaub, the executive director of the North Carolina Sustainable Energy



Association, lobbyist and former N.C. House Majority Leader Mike Hager, and WRAL Capitol Bureau chief Laura Leslie. **Airs:** Saturday, 7 p.m. on WRAL-TV, with recordings available online at [wral.com](http://wral.com).

(THE INSIDER, 7/14/17).

### **Protester Ban**

State NAACP President Rev. William Barber and four other people cannot go to the state legislature until their trespassing cases from a recent protest there are resolved, a Wake County judge ordered Thursday. Four other protesters can visit the Legislative Building only if invited by a lawmaker and must be accompanied by the lawmaker while there, District Judge Michael Denning ruled.

The nine are among 32 people arrested during a May 30 protest over Republican lawmakers' refusal to expand the Medicaid program as allowed under the Affordable Care Act to provide health coverage for more low-income people. They appealed the legality of their pre-trial release conditions, contending every North Carolina resident has a constitutional right to visit the Legislative Building to "instruct" their lawmakers.

Prosecutors argued during a Wednesday court hearing that it's common for people charged with trespassing to be banned from the specific property involved until the case is resolved.

Denning agreed that a blanket ban was too broad, and he tailored the prohibitions based on how many times each person has been charged with trespassing at the Legislative Building.

There was no word on any changes to the pre-trial release conditions for the other 23 protesters. Barber said he is appealing the revised release conditions as unconstitutional.

Capitol Hill police arrested Barber on Thursday morning after he led a protest of the U.S. Senate's proposed health care repeal-and-replace bill. Barber, who was protesting in his role as president of Repairers of the Breach, was released from jail by 2 p.m. In the morning, he and other faith leaders led a group of about 50 people to Senate Majority Leader Mitch McConnell's office in the U.S. Capitol.

Once the group entered the Capitol and gathered outside McConnell's office, several leaders spoke, couching their objections to the proposed legislation in moral and religious terms.

McConnell, a Republican from Kentucky, was not present at any point during the protest.

Two individuals who have pre-existing conditions also spoke to the protesters as police shouted warnings. After several warnings from police telling the protesters to disperse, officers arrested seven women and four men and charged them with "crowding, obstructing, or incommoding."

Repairers of the Breach is a nonpartisan and ecumenical organization that seeks to build a progressive agenda rooted in a moral framework, according to its website. (Matthew Burns, WRAL NEWS and Brian Murphy, MCCLATCHY DC, 7/13/17).

### **Environmental Appointees**

Mitch Gillespie, a former legislator who is now a senior adviser to speaker of the state House, and University of North Carolina School of Government water law expert Richard Whisnant are among a wave of new appointees starting work this month on key environmental policy boards. Gillespie is a former McDowell County legislator who chaired the House Environment Committee and served as assistant secretary of the Department of Environment and Natural Resources, now the Department of Environmental Quality, from 2013 to 2015. He is House Speaker Tim Moore's main adviser on environment and energy policy. He most recently helped broker a rewrite of energy policy between power companies, environmental groups and the solar industry.

Gillespie will remain on the Speaker's staff, according to Joseph Kyzer, Moore's Communication Director. He was cleared to do so in a July 11 letter to the Speaker from the office of the State Board of Elections and Ethics Enforcement, which reviews candidates for all state boards and commissions.

Gillespie is one of dozens of appointees named by Moore and Senate leader Phil Berger at the end of the legislative session. They join a handful of appointees made earlier this year by Gov. Roy Cooper. Others Include:



- Steve Keen, a former Wayne County commissioner who served previously on the Environmental Management Commission, was appointed by Moore. Keen, who owns a yacht-transport company and formerly owned a Beaufort-based charter and towing company, is also a member of the Global Transpark Authority.
- Charles Carter, a Wake County attorney and former assistant general counsel of the Environmental Protection Agency, was re-appointed by Berger.
- Wilmington developer Robert High was appointed for a term expiring on June 30, 2018, to fill the unexpired term of John Snipes II. In addition, the term of current Coastal Resources Commission member Larry Baldwin of Carteret County was corrected, expiring in 2019 instead of 2018 under a previous bill.
- Former Henderson County commissioner Renee Kumor was appointed by Moore to a term expiring on July 1, 2020; and Wilmington builder Robin Hackney of New Hanover County was appointed by Berger to a term expiring June 30, 2020.
- In March, Cooper named former Nags Head Mayor Renee Cahoon chair of the Coastal Resources Commission, replacing Frank Gorham, who served as chair under former Gov. Pat McCrory. Gorham resigned in March.
- In January, Cooper also named JD Solomon to head up the Environmental Management Commission after chair Steve Rowland resigned to move out of state.

(Kirk Ross, COASTAL REVIEW ONLINE, 7/13/17).

### **College Advising**

A \$10 million gift aims to improve college advising at North Carolina high schools, where recent college graduates help low-income students find their way to higher education. The gift, announced Thursday by the Charlotte-based John M. Belk Endowment, will go to the College Advising Corps, a nonprofit that hires recent college graduates to work in high schools in North Carolina and 14 other states. The advisers focus exclusively on helping high school seniors navigate the confusing process of applying for college and financial aid. They work to supplement the work of high school guidance counselors who are often overburdened.

This past school year, 106 advisers worked in 127 schools in North Carolina. They were graduates of four colleges that have joined forces with the corps -- Davidson College, Duke University, N.C. State University and UNC-Chapel Hill. (Jane Stancill, THE NEWS & OBSERVER, 7/13/17).

### **Appointment Criticism**

The appointment of Ken Raymond to the Winston-Salem State University board of trustees has drawn criticism from some alumni who question his ability to put students' interests over what they call his political agenda. Raymond was named to the WSSU board by Senate Leader Phil Berger, R-Rockingham, in June.

The criticism from alumni and others with ties to the university comes primarily from Raymond's successful push in 2013 to move a voting site from WSSU's campus. Raymond, a Republican and WSSU alumni, is the chairman of the three-member Forsyth County Board of Elections.

Raymond and Dr. Ricky Sides, founder and president of Sides Chiropractic in Winston-Salem, began four-year board terms July 1. They replaced vice chairman Charles Wright and Osyris Uqoezwa, whose terms had expired.

Raymond claimed at that time he had heard, while serving as a Republican elections observer, some WSSU students say they were voting in order to receive class credit.

Fleming El-Amin, a Forsyth commissioner, said he is "just concerned that Ken's appointment is a patronage move for his service on the county elections board, and that he has a certain bias against the university because of his efforts to remove precinct voting on campus based on rumors and not the facts," El-Amin served as the Democratic representative to the Forsyth elections board until February, when he stepped down to accept his appointment as a commissioner.

"I'm not really sure he can really promote the university's mission and support its growth with the kind of mindset he showed on the student elections issue," El-Amin said.

Berger's office said Raymond was appointed at the recommendation of Sen. Joyce Krawiec, R-Forsyth, while Sides was recommended by Reps. Debra Conrad and Donny Lambeth, both Forsyth Republicans.

WSSU did not comment when asked whether it had input into the legislative recommendations for its board. (Richard Craver, WINSTON-SALEM JOURNAL, 7/13/17).

## **Rising Seas**

Rising seas fueled by climate change threaten a growing number of North Carolina coastal communities, says a report by the advocacy group Union of Concerned Scientists. By 2035, it predicts, 13 communities clustered mostly on the mainland side of Pamlico Sound will be "chronically inundated." The study defines that as the point at which 10 percent of a community's usable land floods at least 26 times a year. By 2060, that number rises to 25 communities. By 2100, it says, people 49 communities may be forced to adapt to rising water or move out. Those forecasts are based on the middle of three sea-level scenarios -- low, intermediate and high -- that the study used. It was reviewed by outside experts before it was published Wednesday in the journal *Elementa*.

Familiar vacation spots on North Carolina's Outer Banks would suffer, the report said. Nags Head would have 11 percent of its land area, and Hatteras 14 percent, chronically inundated by 2045 under the highest sea level rise scenario. By 2060, it predicts, flooded areas would grow to 19 percent of the land at Nags Head and 28 percent at Hatteras.

Climate scientists view sea level rise as one of the most obvious signals of a warming planet. Sea water expands as it warms, and melting land-based ice sheets adds to rising water levels.

Sea-level rise scenarios have prompted vigorous opposition from some economic development interests on North Carolina's coast who say long-range forecasts could be wrong.

When a state science panel reported in 2010 that seas on the coastline could rise by as much as 39 inches over the following century, legislators passed a law forbidding communities from using the report to make new rules.

A new report in 2015 looked only 30 years to the future and forecast a rise of 2 to 10 inches, depending on location. Nationwide, more than 90 U.S. communities already face chronic flooding, UCS says. That number could jump to nearly 170 communities in less than two decades and to as many as 670 by 2100. (Bruce Henderson, THE CHARLOTTE OBSERVER, 7/13/17).

## **Fayetteville Mayor**

Fayetteville Mayor Pro Tem Mitch Colvin made his candidacy official Wednesday afternoon, filing with the Cumberland County Board of Elections for the expanding mayor's race. He was among a half-dozen people who filed Wednesday for public office in the county. He is one of four candidates, including incumbent Mayor Nat Robertson, pursuing the office of mayor. Colvin, 44, is a businessman who has served on the City Council for four years. He is the second member of the council to file for mayor and, in the process, challenge Robertson for the job. City Councilman Kirk deViere announced June 29 that he would be running, and Robertson announced in April that he would be seeking a third term. Robertson and deViere filed on Friday, the first day candidates could file for the municipal elections. (Michael Futch, THE FAYETTEVILLE OBSERVER, 7/12/17).

## **Mayoral Meeting**

Democratic mayoral candidates Vi Lyles and Joel Ford met last week to talk about the race against a backdrop of concern that their contest could split the African-American vote. Lyles confirmed that the two met at a restaurant near Northlake Mall. She said the meeting came at the request of African-American community leaders, whom she declined to identify. "There is a concern that we split the vote," she told the Observer. Ford declined to talk about what he called a private conversation.

The Observer reported in April that the two talked privately at the time about the possibility that two high-profile black candidates could split the African-American vote to the benefit of incumbent Democratic Mayor Jennifer Roberts. "We agreed on two things," Ford said at the time. "One is that Jennifer needs to go, and only one of us needs to run. That's what we agreed on... We have to decide who that will be."

Last Friday's meeting came days before Lyles formally filed for mayor. Roberts filed Thursday. Ford plans to file Tuesday.

In its earliest ever endorsement, Charlotte's Black Political Caucus has backed Lyles in order to rally black support behind her. "The African-American community is very concerned about the African-American vote being split," caucus chair Colette Forrest said Thursday. "So that is why the Black Political Caucus endorsed as early as it did." (Jim Morrill, THE CHARLOTTE OBSERVER, 7/13/17).

### **Tanger Center**

Phase I of construction for the Steven Tanger Center for the Performing Arts in Greensboro has begun. Work began Thursday morning at the downtown site at the corner of North Elm and Bellemeade streets. The first phase includes excavation, grading and utility work, the Greensboro Coliseum stated in a news release. The contractor for Phase I is Greensboro-based D.H. Griffin Companies. The start of work comes nearly three months after a formal groundbreaking ceremony on April 26.

In May, the city advertised for new bids on the earth work when it couldn't agree on a price with Durham based Skanska-Rentenbach. After initial bids were rejected and Phase I was rebid, D.H. Griffin was awarded the project with the low bid of \$1,220,750, which was more than \$1 million less than the initial bid for Phase I. Phase I is scheduled to be completed by Oct. 31. The center is expected to open in June 2019. (THE GREENSBORO NEWS & RECORD, 7/13/17).

### **Hostile Takeover**

First Citizens Bank has launched a \$46 million hostile takeover of KS Bank, a bank with nine branches in the greater Triangle and Eastern North Carolina. First Citizens, which is headquartered in Raleigh, announced Thursday that it is offering \$35 in cash, or about \$45.8 million, to acquire all of the shares of KS Bank's corporate parent, Smithfield-based KS Bancorp. First Citizens said it was making its offer public after an earlier offer of \$33 per share -- \$2 less than the latest offer -- was summarily rejected by KS's board of directors. "In light of your rejection of our proposal, and as a clear sign of our seriousness to effect a transaction, we are increasing our proposal to acquire KS Bancorp to a price of \$35 per share in cash," Craig Nix, First Citizen's chief financial officer, wrote in a letter to KS's board.

Nix noted that First Citizens was releasing the text of the letter "to ensure that your shareholders are fully apprised of the substantial premium that we would be willing to pay for their shares. We believe that your shareholders will emphatically support the board's entering into a constructive and professional dialogue with us." KS Bank CEO Harold Keen said that he was surprised a regional bank the size of First Citizens "would attempt to make a hostile takeover of a \$360 million county savings bank."

KS Bank had \$368 million in assets as of March 31. First Citizens boasts \$34 billion in assets, as well as more than 500 branches in 22 states. "Certainly the board will consider this new indication of interest" from First Citizens, Keen said. (David Ranii, THE NEWS & OBSERVER, 7/13/17).

### **Fibrant Future**

Near the end of Tuesday's Salisbury City Council meeting, City Manager Lane Bailey said he wanted to make something clear. "One of the things that I would like to stress to the public and everyone is that, regardless of whatever arrangement that we have, that Fibrant the utility is here to stay," Bailey said. He said Fibrant will either be leased out or another company will be contracted to manage the utility. He said it is unlikely that selling Fibrant would be the best option. Bailey said the city sent out several requests for proposals on Fibrant's future in January and that the city is now looking at "a couple of companies that we've whittled that list down to." He said he's had people ask what companies the city is talking with, but that the companies do not wish to have their names released because they are involved in multiple discussions around the country.

The companies also are reviewing Fibrant to see how it works, he said. He said he continues to hear from people who say that the city should simply walk away from Fibrant and the debt that it has created. But he said the city cannot do that. "If you all decide to do that," Bailey said, looking toward the council, "you would soon hear from the state treasurer who would say, 'Thank you very



much, City Council. We'll start running the city for you. And we're going to make sure this debt is paid. That's the first check we'll write."

There was no indication that the council members had discussed that.(Jessica Coates, THE SALISBURY POST, 7/13/17).

## Legislative Studies and Meetings

Items in **Bold** are new listings.

**LB:** Legislative Building

**LOB:** Legislative Office Building.

More Information: <http://ncleg.net/LegislativeCalendar/>

### Friday, July 14

- 10 a.m. | The North Carolina General Statutes Commission, Partition Task Force, 510 W. Williams St., Apex.

### Thursday, Aug. 3

- Noon | House convenes in session.
- Noon | Senate convenes in session.

## N.C. Government Meetings and Hearings

Items in **BOLD** are new listings.

### Friday, July 14

- 9 a.m. | The N.C. Board of Architecture hold public hearing on proposed rule changes, 127 W. Hargett St., #304, Raleigh.

### Monday, July 17

- 11 a.m. | The Executive Committee of The North Carolina Partnership for Children meets, 1100 Wake Forest Road, Raleigh. Contact: Yvonne Huntley, [919-821-9573](tel:919-821-9573).
- **1 p.m. | The Economic Investment Committee meets to consider one or more economic development proposals, N.C. Commerce Executive Board Room, fourth floor, 301 N. Wilmington St., Raleigh. Contact: Hannah Harrill, [919-814-4612](tel:919-814-4612).**

### Tuesday, July 18

- 1:30 p.m. | The Accountability Committee of The North Carolina Partnership for Children meets, 1100 Wake Forest Road, Raleigh. Contact: Yvonne Huntley, [919-821-9573](tel:919-821-9573).

### Wednesday, July 19

- 9 a.m. | The N.C. Plant Conservation Board meets, N.C. Cooperative Extension Service Watauga County Center Conference, Room 971 W. King St., Boone.

### Thursday, July 20

- 10 a.m. | The N.C. Rules Review Commission meets, Administrative Hearings office, Rules Review Commission Room, 1711 New Hope Church Road, Raleigh.

### **Monday, July 24**

- **1 p.m. | The Economic Investment Committee meets to consider one or more economic development proposals, N.C. Commerce Executive Board Room, fourth floor, 301 N. Wilmington St., Raleigh. Contact: Hannah Harrill, [919-814-4612](tel:919-814-4612).**

### **Tuesday, July 25**

- 9 a.m. | The N.C. Code Officials Qualification Board holds public hearing on proposed rule changes, 1st Floor Hearing Room, Room 131 (Albemarle Building), 325 N. Salisbury St., Raleigh.
- 1 p.m. | The Board Development Committee of The North Carolina Partnership for Children meets, 1100 Wake Forest Road, Raleigh. Contact: Yvonne Huntley, [919-821-9573](tel:919-821-9573).

### **Thursday, July 27**

- 9 a.m. | The NC Wildlife Resources Commission meets, WRC Centennial Campus, 1751 Varsity Dr., Raleigh.

### **Monday, July 31**

- 12 p.m. | The N.C. State Board of Elections hold public hearing on proposed rule changes, State Board of Elections Office, 441 N. Harrington St., Raleigh.

### **Tuesday, Aug. 1**

- 12 p.m. | The UNC Board of Governors' Committee on Educational Planning, Policies, and Programs, Board Room of the Center for School Leadership Development, 140 Friday Center Dr., Chapel Hill. Contact: Josh Ellis, [919-962-4629](tel:919-962-4629).

### **Thursday, Aug. 3**

- TBD | The Golden LEAF Foundation's board meets, TBD. Contact: Jenny Tinklepaugh, [888-684-8404](tel:888-684-8404).

### **Wednesday, Aug. 16**

- 10:30 a.m. | The Criminal Justice Education and Training Standards Commission holds public hearing on proposed rule changes, Wake Technical Community College-Public Safety Training Center, 321 Chapanoke Road, Raleigh.

### **Thursday, Aug. 17**

- 10 a.m. | The N.C. Rules Review Commission meets, Administrative Hearings office, Rules Review Commission Room, 1711 New Hope Church Road, Raleigh.

### **Wednesday, Sept. 13**

- 9 a.m. | Environmental Management Commission meets, Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury St., Raleigh.

### **Thursday, Sept. 14**

- 9 a.m. | Environmental Management Commission meets, Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury St., Raleigh.

#### **Thursday, Sept. 21**

- 10 a.m. | The N.C. Rules Review Commission meets, Administrative Hearings office, Rules Review Commission Room, 1711 New Hope Church Road, Raleigh.

#### **Thursday, Sept. 28**

- 10:30 a.m. | The Standard Commercial Fishing License Eligibility Board to the N.C. Division of Marine Fisheries meets, N.C. Division of Marine Fisheries' Wilmington District Office, 127 North Cardinal Dr. Extension, Wilmington.

#### **Thursday, Oct. 5**

- TBD | The Golden LEAF Foundation's board meets, TBD. Contact: Jenny Tinklepaugh, [888-684-8404](tel:888-684-8404).
- TBD | The NC Wildlife Resources Commission meets, WRC Centennial Campus, 1751 Varsity Dr., Raleigh.

#### **Thursday, Oct. 19**

- 10 a.m. | The N.C. Rules Review Commission meets, Administrative Hearings office, Rules Review Commission Room, 1711 New Hope Church Road, Raleigh.

#### **Wednesday, Nov. 8**

- 9 a.m. | Environmental Management Commission meets, Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury St., Raleigh.

#### **Thursday, Nov. 9**

- 9 a.m. | Environmental Management Commission meets, Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury St., Raleigh.

#### **Thursday, Nov. 16**

- 10 a.m. | The N.C. Rules Review Commission meets, Administrative Hearings office, Rules Review Commission Room, 1711 New Hope Church Road, Raleigh.

#### **Thursday, Dec. 7**

- TBD | The Golden LEAF Foundation's board meets, TBD. Contact: Jenny Tinklepaugh, [888-684-8404](tel:888-684-8404).
- TBD | The NC Wildlife Resources Commission meets, 1751 Varsity Dr., Raleigh.

#### **Thursday, Dec. 21**

- 10 a.m. | The N.C. Rules Review Commission meets, Administrative Hearings office, Rules Review Commission Room, 1711 New Hope Church Road, Raleigh.

#### **Wednesday, Jan. 10**



- 9 a.m. | Environmental Management Commission meets, Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury St., Raleigh.

#### **Thursday, Jan. 11**

- 9 a.m. | Environmental Management Commission meets, Ground Floor Hearing Room, Archdale Building, 512 N. Salisbury St., Raleigh.

### **N.C. Dept. of Environmental Quality**

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The N.C. Dept. of Environment and Natural Resources has a new name - the N.C. Dept. of Environmental Quality. More Information: <http://portal.ncdenr.org/web/guest/home>

#### **Tuesday, July 18**

- 6 p.m. | The N.C. Division of Water Resources hold public meeting on Atlantic Coast Pipeline Water Quality Certification, Fayetteville Technical Community College Cumberland Hall Auditorium at 2201 Hull Rd., Fayetteville.

#### **Thursday, July 20**

- 6 p.m. | The N.C. Division of Water Resources hold public meeting on Atlantic Coast Pipeline Water Quality Certification, Nash Community College Brown Auditorium at 522 N. Old Carriage Road, Rocky Mount.

#### **Thursday, Aug. 3**

- 2 p.m. | The state Department on Air Quality holds public hearing concerning incorporation of 2015 Ozone Ambient Standard and Readoption, 2145 Suttle Ave., Charlotte.

### **N.C. Utilities Commission Hearing Schedule**

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Dobbs Building  
430 North Salisbury Street  
Raleigh, North Carolina  
More Information: <http://www.ncuc.commerce.state.nc.us/activities/activit.htm>

#### **Monday, July 17**

- Staff Conference

#### **Monday, July 24**

- Staff Conference

#### **Monday, July 31**

- Staff Conference

### **UNC Board of Governors**

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Board Room of the UNC Center for School Leadership Development  
140 Friday Center Drive, Chapel Hill (**remote meeting locations in BOLD**)  
More Information: <https://www.northcarolina.edu/bog/schedule.php>

### **Friday, July 14**

- 9 a.m. | The UNC Board of Governors meets, Room 102, in the Reuter Center of the University of North Carolina at Asheville, Asheville.

### **Tuesday, Aug. 1**

- 12 p.m. | The Board of Governors' Committee on Educational Planning, Policies, and Programs, Board Room of the Center for School Leadership Development, 140 Friday Center Dr., Chapel Hill.

### **Friday, Sept. 8**

- TBA | The UNC Board of Governors, C.S.L.D. Building, Chapel Hill.

### **Friday, Nov. 3**

- TBA | The UNC Board of Governors, C.S.L.D. Building, Chapel Hill.

### **Friday, Dec. 15**

- TBA | The UNC Board of Governors, C.S.L.D. Building, Chapel Hill.

### **Friday, Jan. 26, 2018**

- TBA | The UNC Board of Governors, C.S.L.D. Building, Chapel Hill.

### **Friday, March 23, 2018**

- TBA | UNC Wilmington, Wilmington.

### **Friday, May 25, 2018**

- TBA | The UNC Board of Governors, C.S.L.D. Building, Chapel Hill.

## **Other Meetings and Events of Interest**

Items in **BOLD** are new listings.

### **Sunday, July 30**

- TBD | The NC Bankers Association host 81st Annual NC School of Banking, William & Ida Friday Center, UNC-Chapel Hill. The conference concludes on Aug. 4.

### **Monday, Aug. 14**

- **No time given | U.S. Small Business Administration deadline for businesses, private nonprofit organizations, homeowners, and renters in North Carolina to submit disaster loan applications for damages caused by the severe storms on May 30.**

## **Friday, Sept. 8**

- No Time Given | The 77th Annual National Folk Festival opens in Downtown Greensboro for its third year in the state. Contact: Kaitlin Smith, [336-373-7523](tel:336-373-7523), ext 246.

## **Sunday, Sept. 24**

- TBD | The NC Bankers Association hold Young Bankers Conference, Crowne Plaza Asheville Resort, Asheville.

## **Wednesday, Oct. 11**

- 10 a.m. | The Carolinas Air Pollution Control Association hold Technical Workshop and Forum, Hilton Myrtle Beach Resort, 10000 Beach Club Dr., Myrtle Beach.

## **Monday, Nov. 6**

- TBD | The NC Bankers Association hold Women in Banking Conference, Renaissance Charlotte Southpark, 5501 Carnegie Blvd., Charlotte.

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